



16.0 RESPONSE TO COMMENTS



DTSC is required to prepare a formal written response to all comments provided during the public notice period and public hearing. This response must be completed prior to any final permit determination and made available to the public for review. All comments received during the public comment period, including tape recordings and transcripts of testimony made during any public hearings, and a copy of DTSC's formal response to those comments and testimony, must be placed in the Administrative Record. This document is DTSC's opportunity to make its policies and lines of jurisdiction clear. All responses should be clear, concise, and direct, yet tempered with sensitivity to the positions espoused by the commentors.

The response must:

Specify which provisions, if any, of the draft permit have been changed in the final permit decision and give the reason for such change. Minor editorial changes such as correction of typographical errors or minor rephrasing of passages to make them more readable or clearer need not be explained in the response.

Briefly describe and respond to all pertinent written and oral comments and testimony on the draft permit raised or made during the public comment period, or during any hearing. The permit writer should attempt to respond in some way to all comments, even those which she or he may consider frivolous. Questions about general Department regulatory programs or procedures, or comments that appear to be department-bashing deserve special care, so that the responses honestly represent the positions of DTSC without coming across as being defensive. The response to comments document should also have an attachment listing the name and mailing address of each person making comments. This mailing list will be used to serve notice of the final permit action in [Chapter 17.0](#), Final Permit Decision.

All documents cited or referred to in the response must be placed in the Administrative Record.

If new issues or points are raised, or if new materials are supplied to DTSC during the public comment period, DTSC must also respond to these new issues, points, or materials, and include the new material with its response in the Administrative Record.

KEY QUESTIONS

Were any significant issues raised? If so, should DTSC change its proposed permit decision (either deny to issue or issue to deny)?

Should any of the comments or issues raised cause DTSC to add or modify conditions proposed in the draft permit? If so, does the proposed new or modified condition adequately address the comment or concern raised?

Did any of the comments point out major flaws in DTSC's technical analysis of the facility's proposed operation? If so, has the permit writer reanalyzed the technical points and determined that the facility meets all regulatory operating requirements?

REQUIRED OUTPUTS

1. Complete inventory of all issues raised through written comments and oral testimony, sorted into

subject categories.

2. Final Written Response to Comments, formatted consistent with recommendations in the Public Participation Rule or DTSC's Public Participation Policy and Procedures Manual.

3. Response to Comments, recording tapes, hearing transcripts, and documents referenced in the response to comments prepared to be placed in the Administrative Record.

APPLICABLE REGULATIONS AND STATUTES

State Laws and Regulations:

Cal. H&S Code

Section

25199.6

Requires DTSC to make a final permit decision within a specified time limit, once DTSC receives a complete application.

Title 22, Cal. Code of Regs.

66271.16

Response to Comments

22271.17

Administrative Record for Final Permit

Federal Laws and Regulations:

Other Laws and Regulations:

POLICIES

DTSC Policies:

Public Participation Rule or DTSC's Public Participation Policy and Procedures Manual

EPA Policies:

Other Policies:

INSTRUCTIONS TO APPLICANTS

Handouts to be Given to Applicants:

Examples to be Given to Applicants:

CEQA CONSIDERATIONS

If significant changes to the permit are made as a result of comments made on the draft permit, then the permit writer should again review the CEQA document to ensure that it is still valid in assessing all potential impacts of the project.

CEQA requires that DTSC respond to comments made to the draft EIR as detailed in Management Memo EO-94-013-MM provided in 8.0.1-10.

LEGAL CONSIDERATIONS

INTERAGENCY AGREEMENTS & MOUs

COORDINATION WITH OTHERS

Other DTSC Units:

Environmental/Legislative/Industry Groups:

Other Agencies:

Special Requests:

STEP-BY-STEP PROCEDURES

Flow Charts:

Checklists:

TECHNICAL REFERENCES

EXAMPLES OF COMPLETED WORK PRODUCTS

TIMELINE AND PLANNING

Permit Processing Chart:

Workload Standards:

Statutory & Other Deadlines:

WP File Name: 4/CH1600_P.MAN

List of Examples:

List of Appendices:

List of References: